

WATER COUNCIL MEETING

Dept. of Environmental Services
29 Hazen Dr., Concord, N.H.

May 14, 2008
9:00 a.m.

Members present: Vice Chairman Christie, Councilors Bradley, Butler, Cowan, Czysz, Decker, Lussier, Phillips, Rastallis, Rawnsley, and Varotsis

Members absent: Chairman Bridges, Councilors Barrett, Densberger, Dupee, and Lyons.

Nancy Christie, Vice Chairman, called the meeting to order at 9:00 a.m.

1. Approval of Minutes of March 12, 2008 Meeting

A motion was made by Councilor Varotsis to accept the minutes of March 12, 2008, second by Councilor Bradley. The Council unanimously voted to approve this motion.

2. Approval of State Aid Grants

Steve Snell of the Wastewater Engineering Bureau requested approval of six new state aid grants as set forth in a memo from Bureau Administrator Paul Heitzler, P.E. to Harry T. Stewart, P.E., Director, Water Division dated May 2, 2008.

Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Decker seconded the motion and it was unanimously approved.

WHEREAS, the following municipalities have applied to the Department of Environmental services, under the provisions of RSA 486, for grants in the amounts listed to aid in the defraying of the costs resulting from the construction of sewage disposal facilities, as defined in said Chapter:

<u>Municipality</u>	<u>Proj. No.</u>	<u>Project Description</u>	<u>Amount</u>
Town of Merrimack	C-764	Phase I Wastewater Treatment Facility Upgrade	\$1,537,150
City of Berlin	C-765	Wastewater Treatment Facility Upgrade, Phase I	1,283,135
Town of Troy	C-766	Wastewater System Improvements	616,002
Town of Exeter	C-767	WWTF Demonstration Project - SolarBee Pilot	53,431

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the construction costs for a State contribution; and

WHEREAS, The Water Council finds that the said projects are intended to control or reduce pollution in the surface waters of the State, as defined in RSA 485-A.

NOW THEREFORE, The Water Council finds that all of the provisions of RSA 486 have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payment thereof through the Department of Environmental Services, as provided for in said Chapter.

Discussion ensued concerning funding sources for the future and results of studies that have been funded.

3. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals and requested Council action on several, as noted below.

- **Docket No. 07-04 WC - Gerald A. Bell Appeal**

Council accepted the State's Motion to Continue on December 12, 2007. Appellant filed an Amended Appeal on April 15, 2008. A Supreme Court Decision has been received and is being reviewed by Council's attorney.

A motion was made by Councilor Varotsis to Table this appeal until the next meeting, second by Councilor Bradley. After discussion, the Appeal was unanimously approved.

- **Docket No. 08-18 WC – Paul and Ellen Meuse Appeal**

The Appeal was received insufficient. A notice has been sent to the appellant to resubmit a sufficient appeal.

- **Docket No. 08-19 WC – Frank Faticanti Appeal**

A motion was made by Councilor Cowan to accept this appeal, second by Councilor Philips. After discussion, the Appeal was accepted with one dissenting vote.

Presiding Officer will be Councilor Lussier.

- **Docket No. 07-29 WC – Andrew and Karen Goldstein**

A Hearing is scheduled for June 11, 2008 at 10 A.M. Presiding Officer is Councilor Butler.

- **Docket No. 08-06 WC – Marlene and Jerry Schultz Appeal**

Pre-Hearing Conference is scheduled for May 19, 2008 at 9 A.M. Councilor Rawnsley will preside as Hearing Officer.

- **Docket No. 08-14 WC – MerNia Appeal**

Pre-Hearing Conference is scheduled for June 2, 2008 at 1:30 P.M. Councilor Varotsis will preside as Hearing Officer.

- **Docket No. 08-15 WC – Ronald E. Gocht Appeal**

Pre-Hearing Conference is scheduled for June 9, 2008 at 2 P.M. Councilor Christie will preside as Hearing Officer.

- **Docket No. 03-14 WC – Gerald A. Bell Appeal**
Stayed pending court action.
- **Docket No. 04-05 WC - Freudenburg-NOK General Partnership Appeal**
Negotiations continue, progress is being made.
- **Docket No. 04-18 WC - Thaddeus Dymon Appeal**
Council granted stay to allow resolution of property issues in Superior Court.
- **Docket No. 04-19 WC - Town of Newport Appeal**
Council granted stay to allow resolution of property issues in Superior Court.
- **Docket No. 06-13 WC - Shane Forest Appeal**
Settlement negotiations are on-going.
- **Docket No. 07-05 WC - RRJ Properties LP Appeal**
Appeal Hearing is continued until the appeal is withdrawn or a party requests the hearing to be rescheduled.
- **Docket No. 07-11 WC William and Melissa Brouck**
Motion to Stay Proceedings was granted. A withdrawal has not yet been received.

Letters are to be sent to Dockets 03-14 through 07-11 listed above with update requests.

4. **Rules**

Env – Wq 2102 – Water Use Registration and Reporting – Derek Bennett and Holly Green, Drinking Water and Ground Water Bureau

A motion was made by Councilor Lussier to accept the rules as presented, second by Councilor Rawnsley. Motion passed with one abstention.

5. **Legislative Update: Harry Stewart**

Director Stewart reviewed the summary of the latest DES water related bills for 2008. The House and Senate are working to wrap up by the end of May. He then summarized the bills. Of special note to the Council is SB352-FN – which, if signed into law by the Governor – means that all shoreland appeals in the future would go to the Wetlands Bureau.

6. **Other Business**

Councilor Cowan made a motion to Table the application for Appeal by the Susan A. Youssef Trust received by the Council today, second by Councilor Varotsis. Motion passed unanimously.

Councilor Butler acknowledged DES and others that put on the recent seminar on stressed wastewater treatment facilities that it was a job well done.

7. **Next Meeting**

The next meeting is scheduled for June 11, 2008.

8. **Adjournment**

A motion was made by Councilor Butler to adjourn. The motion was seconded by Councilor Bradley and unanimously approved.